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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13329 of 2016

Arising Out of PS.Case No. -55 Year- 2016 Thana -GARKHA District- SARAN

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1. Ashok Ray son of Bhukhal Ray resident of Village - Pohiya, P.S. Garkha, District - Saran, Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Opposite Party/s : Mr. Smt. Suman Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 11-05-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 341, 323, 324, 307, 504 and 34 of the I.P.C

Allegedly, for the dispute of a passage altercation started between the parties and then the petitioner assaulted the informant Lalsa Devi with the sharp edged weapon of iron on her head and when Panpati Kuwar came she was also assaulted by the petitioner on her head and other co-accused also assaulted them.

Submission is of false implication and that there is case and counter case, the petitioner has also received injury on his head, only one injury has been found on the person of the

informant which is simple in nature and further regarding injury of Panpati Kuwar the opinion was kept reserved, there was no intention to commit murder, this case is counter version of Garkha P.S. Case No. 56 of 2016 lodged by the petitioner against the informant and others and as such the petitioner who is suffering in custody since 05.02.2016 deserves sympathetic consideration as charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. submits that the injuries have been caused on the vital part.

In the facts and circumstances as stated above, considering that there is no allegation for repeating the blow and further there is case and counter case, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M-IV, Saran, Chapra in Garkha P.S. Case No. 55 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date

during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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